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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/810,911

03/26/2004

Orlando W. Stephenson III

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EXAMINER

DUFFY, DAVID W

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

08/30/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/810,911

Applicant(s)

STEPHENSON ET AL.

Examiner

David W. Duffy

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>03/26/2004, 07/11/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Customizable Casino Cabinet

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 8-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). The term "bezel" in claims 8 and 10 is used by the claims to mean "a mounting plate", while the accepted meaning is "a groove or flange designed to hold a beveled edge." The term is indefinite because the specification does not clearly redefine the term. Claims 9 and 11-18 inherit the deficiency of the rejected claims.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cole (US 6475087) in view of Englman (US 2003/0157978).

7. In regards to claims 1, 2, 5 and 6, Cole discloses a gaming machine with a cabinet defining an internal space with a moveably mounted door that has an enlarged opening (2:16-32 and fig 2) and a sheet mounted to the door and extending across a portion of the opening with a portion being see through (fig 1). Cole lacks disclosing a cross member across the opening.

8. In related prior art, Englman discloses a gaming system with two video displays with a dividing cross member (fig 1) where the upper display is for bonus information and either the upper or lower display may be a mechanical reel or video display device (par 25). One skilled in the art would recognize the advantages of providing more displays to provide information and entertainment to the player in order to keep the player interested in the game while separating the displays with a cross member to avoid confusing the player by merging the displays.

9. Therefore it would have been obvious to one skilled in the art at the time of the invention to have modified Cole in view of Englman to have included a second display

with a separating cross member in order to provide more information and entertainment to the player while not confusing the player by merging the displays.

10. In regards to claims 3 and 4, Cole discloses that a portion of the sheet is transparent and a portion reduces the transmissibility of light (6:44-53 and fig 1).

11. In regards to claim 7, the combination made does not disclose that the bonus display includes progressive information; however, as the display of Englman provides bonus information and a progressive is a type of bonus it would have been obvious to one skilled in the art to replace the bonus information of the combination with a progressive bonus instead as such a modification would have been mere replacement of one bonus game type for another.

12. In regards to claims 8, 9, 10, 15, 16 and 18, Cole discloses a door having an inner side facing the internal space (fig 2) with mounting structure to hold replaceable screens in place (figs 2 and 5, element 74). Cole lacks in explicitly disclosing a bezel with an enlarged opening with the cross member secured thereto or that the door and cross member include includes beveled outer surfaces.

13. In related prior art, Englman discloses a gaming system with two game display devices that may be mechanical or video gaming displays (par 25) with beveled outer surfaces adjacent to the vertical side edges and a cross member with beveled opposite end portions that fit against the beveled outer door surfaces (fig 1). One skilled in the art would recognize the aesthetic advantages of a smooth beveled surface in providing an enticing look to attract players.

14. Therefore it would have been obvious to one skilled in the art at the time of the invention to have modified Cole in view of Englman to have included the beveled surfaces in order to provide an attractive look to players.

15. The combination made lacks an inner mounting plate or bezel that the cross bar is attached thereto. However, Cole already discloses a system intended to provide an easily customizable game cabinet to switch between types of games, in light of the teachings of the second gaming devices Englman it would have been obvious to try a mounting plate or bezel attached to the door to swap display types in lieu of replacing the entire door assembly and a display divider as taught by Englman would be obvious to include to separate the displays.

16. In regards to claim 11, Cole discloses a screen secured to the door across a substantial portion of the opening in the door (figs 1 and 2 and 2:16-32).

17. In regards to claim 12, the screen of Cole covers the display area (figs 1 and 2) and would inherently have to be adjacent to a display dividing cross member.

18. In regards to claims 13 and 14, Cole discloses that a portion of the sheet is transparent and a portion reduces the transmissibility of light (6:44-53 and fig 1).

19. In regards to claim 17, the combination made does not disclose that the bonus display includes progressive information; however, as the display of Englman provides bonus information and a progressive is a type of bonus it would have been obvious to one skilled in the art to replace the bonus information of the combination with a progressive bonus instead as such a modification would have been mere replacement of one bonus game type for another.

Conclusion

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Coffey; Timothy M. (US 5435557). Paterson; Robert W. et al. (US 5547272).

Applicant is duly reminded that a complete response must satisfy the requirements of 37 C.F. R. 1.111, including: "The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references. A general allegation that the claims "define a patentable invention" without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section. Moreover, "The prompt development of a clear Issue requires that the replies of the applicant meet the objections to and rejections of the claims." Applicant should also specifically point out the support for any amendments made to the disclosure. See MPEP 2163.06 II(A), MPEP 2163.06 and MPEP 714.02. The "disclosure" includes the claims, the specification and the drawings.

Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as

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well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David W. Duffy whose telephone number is (571) 272-1574. The examiner can normally be reached on M-F 0830-1700.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DWD



/Corbett Coburn/
Primary Examiner
AU 3714